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REMARKS/ARGUMENTS***Claim Amendments***

In order to distinguish the present invention more clearly from the prior art, claims 1, 4 and 12 have been amended. In the following discussion, the scope and wording of the amended claims is referred to.

Claim rejections – 35 USC §103(a)

1. The Examiner rejected claims 1, 3, 4, 6, 11 and 12 as being unpatentable over DE 38 03 388 in view of U.S. 4,821,026 to Newsom.

It should be pointed out that the present invention provides a warning device capable of producing a very loud and distinctive sound (page 1, lines 10 to 12) and for this purpose uses an air horn of the type having a vibratable diaphragm and an elongated trumpet element to amplify the sound (page 4, lines 15 to 18). Air horns of this kind can generate piercing sounds that are used to provide warnings of specific events over wide areas. Generally, such devices are not used indoors because of the loud sound volume produced.

DE 38 03 388 describes a siren device which is operable by means of a fan blade wheel. The fan blade wheel is operated by a battery-powered electric motor. Referring to the drawing provided, DE'388 discloses a tubular housing having (a) a portion of housing provided with slits (refer to item 3), (b) a portion of housing with no slits (refer to area between items 1 and 3), (c) an enclosed end wherein batteries are housed (refer to item 6), and (d) an opposite end provided with slits (refer to item 1). The fan blade wheel (refer to item 1) is mounted within the housing interposed between the slitted portion and the non-slitted portion. In operation, the fan blade wheel (item 2) is rotated by the battery-powered motor (refer to item 4) which (as shown by the arrows) causes a flow of air to occur from the slits (item 3) in the housing through the fan blades (item 2) and the slitted end (item 1). As the speed of the rotation of the fan blades is increased, the flow of air into the housing and out through the slitted end is increased thereby producing a whistling noise, i.e., a siren noise. It should be noted that the fan is not an air compressor unit as this term would be understood by a person skilled in the art, even though the reference refers to

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compressing the air, but rather a device that causes air to flow through an essentially unconfined passage.

There is no disclosure in DE'388 of the use of an air horn of the kind comprising a vibratable diaphragm and an elongated trumpet. It is submitted that a person of ordinary skill in the art would not be motivated to modify the device of DE'388 to replace the fan and slits arrangement for making a noise with an air horn of the kind used in the present invention. First of all, an air horn of the type defined in the claims of the present application, requiring a supply of air under substantial pressure, would be unlikely to operate for very long (or at all) if energized by two 1.5 volt batteries of the kind shown in DE'388. Secondly, the provision of an air horn would require the replacement of the fan with a compressor as used in the present invention. The air horn could not be driven by a simple rotating fan. Thirdly, the air horn and compressor unit of the present invention requires a dedicated conduit from the outlet of the compressor to the inlet of the air horn for the supply of pressurized air. No such arrangement is present or suggested in DE'388 which makes use of the housing for the supply of air – an arrangement that would not be effective or possible in the present invention. Finally, there is no suggestion in DE'388 that sound-generating means other than the fan and slits arrangement actually shown could be used in the disclosed apparatus, nor any suggestion of a need to generate a more piercing or different sound than the disclosed apparatus may produce.

The Examiner combined the teaching of DE'388 with that of Newsom because DE'388 does not disclose circuitry connecting the source of energy to the electric motor, whereas Newsom does disclose such circuitry (according to the Examiner). However, given the amendments made to the main claims, it is believed that DE'388 is no longer relevant to the present invention for the reasons already explained, so even if Newsom does make up for the deficiency of DE'388 regarding circuitry (which is not admitted), the resulting combination would still not render the claimed invention obvious because the resulting device would not make obvious the use of a warning device incorporating an air horn type noise generator. It should be kept in mind that the only noise generator of Newsom is an electrical "beeper" (see Abstract of Newsom). Fig. 4 of Newsom shows that the device is intended for indoor use, so this would teach away from providing a noise generator with a piercing sound (such

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as an air horn) as too loud for such use and possibly damaging to the ears of people in the vicinity.

3. The Examiner went on to reject claims 2 and 5 for obviousness over the combination of DE'388 and Newsom discussed above and further in view of US 3,588,358 to Rudmose. According to the Examiner, Rudmose shows a pistol grip type handle not disclosed in DE'388 nor Newsom. Even if this is the case, which is not admitted, this combination of references is not believed to be relevant to claims 2 and 5 (which are dependent directly or indirectly on claim 1) because the combination of DE'388 and Newsom is not itself believed to be relevant to the claimed invention for the reasons given above. The additional teaching of Rudmose does not overcome this deficiency.

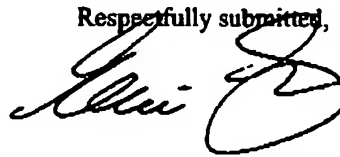
4. The Examiner went on to reject claim 7 for obviousness over the combination of DE'388 and Newsom discussed above and further in view of US 5,032,824 to Corbin. According to the Examiner, Corbin shows the use of a rechargeable battery in a portable alarm device. Even if this is the case, which is not admitted, this combination of references is not believed to be relevant to claim 7, which is dependent indirectly on claim 1, because the combination of DE'388 and Newsom is not itself believed to be relevant to the claimed invention for the reasons given above. The additional teaching of Corbin does not overcome this deficiency.

5. The Examiner also rejected claims 7-10 for obviousness over the combination of DE'388 and Newsom discussed above and further in view of US 5,465,196 to Hasenberg et al. According to the Examiner, Hasenberg et al. shows a battery in the form of an enlarged body insertable into the device and that may act as a stand, which is not disclosed in DE'388 nor Newsom. Even if this is the case, which is not admitted, this combination of references is not believed to be relevant to claims 7-10 (which are dependent indirectly on claim 1) because the combination of DE'388 and Newsom is not itself believed to be relevant to the claimed invention for the reasons given above. The additional teaching of Hasenberg et al. does not overcome this deficiency.

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In view of the above arguments and the amendments now made to claims 1, 4 and 12, it is believed that the claimed subject-matter is patentably distinct from the cited references taken alone or in combination. Reconsideration of the application is therefore requested.

Respectfully submitted,



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